

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

GAIL GALLOWAY,
Plaintiff

v.

**PENNSYLVANIA BOARD OF
PROBATION AND PAROLE,
et al.,**
Defendants

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:
:
:
:
:

CIVIL RIGHTS COMPLAINT
Civil Action No. 1:00-CV-00649
(Judge Rambo)
(Magistrate Judge Smyser)

PRECIPE FOR ENTRY OF DEFAULT JUDGMENT

Gail Galloway, ("Plaintiff"), instructs the Clerk of Courts to enter a default judgment against defendant Robert B. Stewart, III, ("Stewart"), in the above captioned action who was served the summons and complaint personally by Pennsylvania State Constable David Metzger at 3:35 p.m. on 6-1-00, pursuant to Federal Rules of Civil Procedure, Rule 55 (a), Rule 55 (b) (1), because Stewart has failed to answer the summons and complaint. SEE RETURN OF SERVICE.

Plaintiff also instructs the Clerk of Courts to enter a default judgment against defendant Charles B. Giornesto, ("Giornesto"), in the above captioned action who was served personally by Pennsylvania State Constable David Metzger on 6-2-00, pursuant to Federal Rules of Civil Procedure, Rule 55 (a), Rule 55 (b)(1), because Giornesto has failed to answer the summons and complaint. SEE RETURN OF SERVICE.

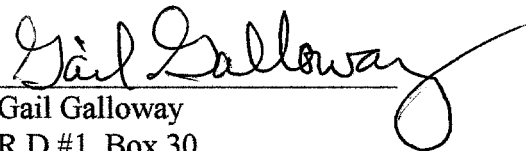
Defendant's Stewart and Giornesto by their silence have admitted to the facts of the complaint and default judgment must be awarded. The Clerk is notified to file said judgment and any controversy concerning the judgment type or amount must be decided by a jury.

23
MAR 23 2000
Per [Signature] CLERK
Deputy Clerk

All other defendants, except John Doe #1 ("Doe #1"), have returned a waiver of service of summons which are attached and hereby filed with the Court.

Since Plaintiff has been unable to ascertain the true name of defendant Doe #1, service was made by certified mail with attached waiver of service of summons form and signed for by Dale Norris at SCI Smithfield. SEE COPY OF RETURN RECEIPT.

Respectfully submitted,

A handwritten signature in cursive script, reading "Gail Galloway", written over a horizontal line.

Gail Galloway
R.D.#1, Box 30
Petersburg, PA 16669
(814) 669-9164

Date: June 22, 2000

ORIGINAL

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

SUMMONS IN A CIVIL ACTION

Galloway
Plaintiff
V.

CASE NUMBER: 1:00-cv-00649

Pennsylvania Board o
Defendant
_____ /

TO:
(SEE COMPLAINT)

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this Court
and serve upon


Plaintiff's Attorney:

Gail J. Galloway
R.D. #1, Box 30
Petersburg, PA 16669

~~(60)~~ sixty (FEDERAL DEFENDANTS)
an answer to the complaint which is herewith served upon you, within
~~(20)~~ TWENTY DAYS after service of this summons upon you, exclusive of the
day of service. If you fail to do so, judgment by default will be taken
against you for the relief demanded in the complaint.

MARY E. D'ANDREA, Clerk

BY


Deputy Clerk

DATE: April 13, 2000

RETURN OF SERVICE - Case #1:00-cv-00649

Service of the Summons and Complaint was made by me *	DATE
NAME OF SERVER (Print)	TITLE
Check one box below to indicate method of service	
<input type="checkbox"/> Served personally upon the defendant. Place where served: <div style="border-bottom: 1px solid black; height: 1.2em; margin-top: 5px;"></div>	
<input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: <div style="border-bottom: 1px solid black; height: 1.2em; margin-top: 5px;"></div>	
<input type="checkbox"/> Returned unexecuted: <div style="border-bottom: 1px solid black; height: 1.2em; display: inline-block; width: 480px;"></div>	
<input type="checkbox"/> Other (specify): <div style="border-bottom: 1px solid black; height: 1.2em; display: inline-block; width: 520px;"></div>	
STATEMENT OF SERVICE FEES	
TRAVEL	SERVICES
	TOTAL
DECLARATION OF SERVER	
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p>	
Executed on <div style="border-bottom: 1px solid black; display: inline-block; width: 200px;"></div> Date	<div style="border-bottom: 1px solid black; display: inline-block; width: 380px;"></div> Signature of Server
<div style="border-bottom: 1px solid black; display: inline-block; width: 380px;"></div> Address of Server	

*) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

SUMMONS IN A CIVIL ACTION



PARTIES FOR CASE #1:00-cv-00649

Gail J. Galloway
plaintiff

v.

Pennsylvania Board of Probation and Parole
defendant
Joseph Smith
defendant
Daniel . Roberts
defendant
George Johnson
defendant
Charles Giornesto
defendant
Robert B. Stewart
defendant
Arthur . Thomas
defendant
K. Scott Roy
defendant
Thomas Ridge
defendant
William Ward
defendant
Sharon Burke
defendant
William Caldwell
defendant
Seth Mendelsohn
defendant
Fred Jacobs
defendant
John Doe #1
defendant
Neil Mechlin
defendant
James Morgan
defendant

RETURN OF SERVICE - Case #1:00-cv-00649

Service of the Summons and Complaint was made by me *		DATE 6-1-00 335 PM
NAME OF SERVER (Print) DAVE METZGER		TITLE PA STATE CONSTABLE
Check one box below to indicate method of service		
<input checked="" type="checkbox"/> Served personally upon the defendant. Place where served: <div style="margin-left: 40px;">HUNTINGDON COUNTY DA'S OFFICE</div>		
<input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: <hr/>		
<input type="checkbox"/> Returned unexecuted: <hr/>		
<input type="checkbox"/> Other (specify): <hr/>		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES 25.00	TOTAL 25.00
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p>		
Executed on 6-1-2000	<div style="display: flex; align-items: center;"> <div style="border: 1px solid black; padding: 5px; text-align: center; margin-right: 10px;">  DAVE METZGER-B001731 <small>Pennsylvania State Constable 642 4th Ave., Unit. Altoona, PA 16602 Phone (814) 947-7829 Fax (814) 943-4535</small> </div> <div> <div style="text-align: center;"></div> <div style="text-align: center;">Signature of Server</div> </div> </div>	
<div style="text-align: center;"> PO BOX 624 HOLLIDAYSBURG, PA 16648 Address of Server </div>		

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UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

SUMMONS IN A CIVIL ACTION

PARTIES FOR CASE #1:00-cv-00649

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Fred Jacobs
 defendant
John Doe #1
 defendant
Neil Mechlin
 defendant
James Morgan
 defendant

RETURN OF SERVICE - Case #1:00-cv-00649

Service of the Summons and Complaint was made by me *		DATE <u>6-2-2000</u>
NAME OF SERVER (Print) <u>Charles P. Stover</u>		TITLE <u>PA STATE CONSTABLE</u>
X <u>DAVE METZGER</u>		
Check one box below to indicate method of service		
<input checked="" type="checkbox"/> Served personally upon the defendant. Place where served: <u>DISTRICT JUSTICE 20-3-01 OFFICE ALEXANDRIA, PA</u>		
<input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: _____		
<input type="checkbox"/> Returned unexecuted: _____		
<input type="checkbox"/> Other (specify): _____		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES <u>35.00</u>	TOTAL <u>35.00</u>
DECLARATION OF SERVER		
I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.		
Executed on <u>6-2-00</u> Date	<u>David Metzger</u> PSC Signature of Server	
<u>PO Box 624 HOLLIDAYSBURG, PA 16648</u> Address of Server		

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MIDDLE DISTRICT OF PENNSYLVANIA

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 defendant
Neil Mechlin
 defendant
James Morgan
 defendant

WAIVER OF SERVICE OF SUMMONS

TO: Gail Galloway

I acknowledge receipt of your request that I waive service of a summons in the action of *Gail Galloway v. Pennsylvania Board of Probation and Parole, et al.*, which is case number 1:00-CV-00649 in the United States District Court for the Middle District of Pennsylvania. I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I be served with judicial process in the manner provided by Rule 4.

I will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against me if an answer or motion under rule 12 is not served upon you within 60 days after April 25, 2000.

May 18, 2000
Date

Arthur R. Thomas
Signature

Arthur Thomas
Pennsylvania Board of Probation and Parole
1101 S. Front Street, Suite 5000
Harrisburg, PA 17104

DUTY TO AVOID UNNECESSARY COSTS OF SERVICE OF SUMMONS

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant located in the United States who, after being notified of an action and asked by Plaintiff located in the United States to waive service of a summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or to the service of the summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

A defendant who waives service must within the time specified on the waiver form serve on the plaintiff's attorney (or unrepresented plaintiff) a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time, a default judgment may be taken against that defendant. By waiving service, a defendant is allowed more time to answer than if the summons had been actually served when the request for waiver of service was received.

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I understand that a judgment may be entered against me if an answer or motion under rule 12 is not served upon you within 60 days after May 16, 2000.

June 1, 2000

Date

Francis R. Filipi for

Francis R. Filipi
Signature

Joseph Smith
Pennsylvania Board of Probation and Parole
Executive House, Room 204
615 Howard Ave.
Altoona, PA 16601

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Signature

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I understand that a judgment may be entered against me if an answer or motion under rule 12 is not served upon you within 60 days after April 25, 2000.

May 18, 2000
Date

Fred R. Jacobs
Signature

for Fred Jacobs
Pennsylvania Board of Probation and Parole
1101 S. Front Street, Suite 5000
Harrisburg, PA 17104

DUTY TO AVOID UNNECESSARY COSTS OF SERVICE OF SUMMONS

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I understand that a judgment may be entered against me if an answer or motion under rule 12 is not served upon you within 60 days after April 22, 2000.

May 18, 2000
Date

Francis R. Felipa
Signature

for Ms. Congelio, Parole Agent
SCI Waynesburg
R.D.#1, Box 67
Waynesburg, PA 15370-9941

DUTY TO AVOID UNNECESSARY COSTS OF SERVICE OF SUMMONS

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Francis R. Filijn
Signature

for

Pennsylvania Board of Probation and Parole
1101 S. Front Street, Suite 5000
Harrisburg, PA 17104

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May 18, 2000
Date

William R. Filbin
Signature

William Ward
Pennsylvania Board of Probation and Parole
1101 S. Front Street, Suite 5000
Harrisburg, PA 17104

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May 28, 2000
Date

Thomas R. Filipin
Signature

for: K. Scott Roy
Pennsylvania Board of Probation and Parole
1101 S. Front Street, Suite 5000
Harrisburg, PA 17104

DUTY TO AVOID UNNECESSARY COSTS OF SERVICE OF SUMMONS

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant located in the United States who, after being notified of an action and asked by Plaintiff located in the United States to waive service of a summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or to the service of the summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

A defendant who waives service must within the time specified on the waiver form serve on the plaintiff's attorney (or unrepresented plaintiff) a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time, a default judgment may be taken against that defendant. By waiving service, a defendant is allowed more time to answer than if the summons had been actually served when the request for waiver of service was received.

WAIVER OF SERVICE OF SUMMONS

TO: Gail Galloway

I acknowledge receipt of your request that I waive service of a summons in the action of *Gail Galloway v. Pennsylvania Board of Probation and Parole, et al.*, which is case number 1:00-CV-00649 in the United States District Court for the Middle District of Pennsylvania. I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I be served with judicial process in the manner provided by Rule 4.

I will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against me if an answer or motion under rule 12 is not served upon you within 60 days after April 24, 2000.

May 18, 2000
Date

Francis R. Filipi
Signature

for Thomas Ridge
Governor's Office
225 Main Capitol Building
Harrisburg, PA 17120

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May 10, 2000
Date

Francis R. Filipi
Signature

for
Marlene Stewart, Unit Manager
SCI Waynesburg
R.D.#1, Box 67
Waynesburg, PA 15370-9941

DUTY TO AVOID UNNECESSARY COSTS OF SERVICE OF SUMMONS

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May 15, 2000
Date

Frank R. Filbin
Signature

for Seth Mendelsohn
Office of the Attorney General
15th Floor, Strawberry Sq.
Harrisburg, PA 17120

DUTY TO AVOID UNNECESSARY COSTS OF SERVICE OF SUMMONS

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I understand that a judgment may be entered against me if an answer or motion under rule 12 is not served upon you within 60 days after April 22, 2000.

June 19, 2000
Date

Frank R. Filipi
Signature

Neil Mechling, Sharon Burks, James Morgan
SCI Waynesburg
R.D.#1, Box 67
Waynesburg, PA 15370-9941

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SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

John Doe #1
Corrections Officer
SCI Smithfield
PO. Box 999
1120 Pike St.
Huntingdon PA 16652

COMPLETE THIS SECTION ON DELIVERYA. Received by (Please Print Clearly) Dale NorrisB. Date of Delivery 6-15-00

C. Signature

X A. J. Norris☒ Agent☐ Addressee

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number (Copy from service label)

7000 0600 0021 0136 7771

PS Form 3811, July 1999

Domestic Return Receipt

102595-99-M-1789

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

GAIL GALLOWAY,

Plaintiff

v.

PENNSYLVANIA BOARD OF
PROBATION AND PAROLE,
et al.

Defendants.

CIVIL NO.: 1:00-CV-00649

(MJ: J. Andrew Smyser)
(J: Sylvia H. Rambo)

FILED
HARRISBURG, PA

APR 28 2000

MARY E. D'ANDREA, CLERK
Per *[Signature]*
Deputy Clerk

ENTRY OF APPEARANCE

Please enter the appearance of the undersigned Assistant
United States Attorney on behalf of William Caldwell in the above
captioned case.

Respectfully submitted,

DAVID M. BARASCH
United States Attorney

By: *[Signature]*

ANNE K. FIORENZA
Assistant United States Attorney
Middle District of Pennsylvania
Federal Building
P.O. Box 11754
228 Walnut Street
Harrisburg, PA 17108-1754